

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

OMAR RASHAD POUNCY,

Petitioner,

v.

Case No. 13-cv-14695
Hon. Matthew F. Leitman

CARMEN D. PALMER,

Respondent.

ORDER DENYING EMERGENCY MOTION FOR BOND (ECF No. 344)

Petitioner Omar Pouncy has filed an Emergency Motion for Bond pending final review of his habeas petition. The Court set out in an earlier order in this case the standard that a habeas petitioner seeking bond must meet (*see* Order, ECF No. 307), and the Court incorporates its prior order by this reference. The Court is still not convinced that Pouncy has demonstrated extraordinary circumstances warranting his release on bond at this point. While there have been recent cases of COVID-19 detected at the institution in which Pouncy is incarcerated, Pouncy has not shown that he has any of the risk factors that would place him at significant risk for serious or life-threatening consequences from contracting the virus. Nor has he presented evidence that the infected inmates at his facility are housed in such close proximity to him that he is unable to socially distance from them. The Court also notes that the Michigan Department of Corrections has increased its testing protocols

and implemented a comprehensive COVID-19 mitigation strategy. (See <https://medium.com/@MichiganDOC/mdoc-takes-steps-to-prevent-spread-of-coronavirus-covid-19-250f43144337>.)

Moreover, this case stands in sharp contrast to the decision relied upon by Pouncy in which another Judge of this Court granted bond to a habeas petitioner whose petition was pending. See *Clark v. Hoffner*, 2020 WL 1703870 (E.D.Mich., April 8, 2020). In that case, the petitioner presented compelling evidence of actual innocence, and the state prosecuting attorney informed the Court that she would recommend “either complete exoneration or a new trial” for the petitioner. *Id.* at *4. These circumstances are not present here. Furthermore, the petitioner in *Clark* “abided by all of the conditions of bond” while previously on bond, see *id.* at *5, and Pouncy, in contrast, did not do so when previously released on bond. *Clark* does not support Pouncy’s request for bond here.

For all of these reasons, Pouncy’s motion for bond is **DENIED**.

IT IS SO ORDERED.

Dated: August 31, 2020

s/Matthew F. Leitman

MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on August 31, 2020, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

(810) 341-9764